

**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
PUBLIC HEALTH HEARING OFFICE**

Matthew Stachkunas, Paramedic  
License No. 001371

Petition No. 2002-0305-072-001

**PROPOSED MEMORANDUM OF DECISION**

**Procedural Background**

On August 26, 2004, the Department of Public Health ("the Department") issued a Statement of Charges ("the Charges") against Matthew Stachkunas ("respondent") alleging that respondent's paramedic license is subject to disciplinary action pursuant to §19a-180 of the Connecticut General Statutes ("the Statutes") and §19a-179-9 of the Regulations of the Connecticut State Agencies ("the Regulations") based on respondent's diagnosis and treatment of persons without medical control and his criminal convictions.

On September 9, 2004, the Department issued a Notice of Hearing ("the Notice") in which the Commissioner appointed this Hearing Officer to hear this matter, to rule on all motions, and to recommend findings of fact and conclusions of law to the Commissioner. Respondent was notified of the hearing via certified mail, return receipt requested.

A public hearing was held on October 22, 2004. Respondent appeared; however, shortly after the hearing began, he abandoned the hearing room. Attorney David Tilles represented the Department. Respondent answered the Charges orally during the hearing. Tr. pp. 7-11, 32-33. During the hearing, respondent moved to continue the hearing. Such motion was denied. However, the record remained open until November 6, 2004, in order for applicant to submit documents on his behalf. Tr. p. 27.

Also during the hearing, the Department moved to amend paragraph 9 of the Charges. The Motion was granted. Tr. p. 47.

This Proposed Memorandum of Decision is based entirely on the record and sets forth this Hearing Officer's proposed findings of fact, conclusions of law and order. To the extent that the proposed findings of fact actually represent conclusions of law, they

should be so considered, and vice versa. *SAS Int., Inc., v, S&H Computer Systems, Inc.*, 605 F. Supp. 816 (M.D. Tenn. 1985).

### ***Allegations***

1. In paragraphs 1 and 6 of the Charges, the Department alleges that Matthew Stachkunas, Paramedic of Bristol, Connecticut was at all times referenced in the Charges, the holder of Connecticut paramedic license number 001371.

### ***First Count***

In the First Count, the Department alleges that respondent's license is subject to disciplinary action pursuant to §19a-180 of the Statutes and §19a-179-9 of the Regulations, including but not limited to §19a-179-9(f) and/or §19a-179-9(i).

2. In paragraph 2 of the Charges, the Department alleges that prior to February 16, 2002, respondent was employed as a paramedic by American Medical Response ("AMR").
3. In paragraph 3 of the Charges, the Department alleges that at various times prior to February 16, 2002, respondent stole medical supplies from AMR, including but not limited to syringes, syringe caps, needle covers, rubber tourniquets, injectable dextrose, injectable sodium chloride, alcohol prep wipes, injectable Benadryl® ("Benadryl"), and intravenous set-up equipment.
4. In paragraph 4 of the Charges, the Department alleges that at various times prior to February 16, 2002, respondent gave injections of Benadryl and/or dextrose to S.B. and/or permitted S.B. and others to use the stolen medications and equipment to inject themselves.
5. In paragraph 5 of the Charges, the Department alleges that on each of the occasions referenced in paragraph 4, respondent made his own diagnosis of the person's need for the medication, was not acting under a physician's order, and was not acting under a physician's control.

### ***Second Count***

In the Second Count, the Department alleges that respondent's license is subject to disciplinary action pursuant to §19a-180(b) of the Statutes.

6. In paragraph 8 of the Charges, the Department alleges that on or about March 4, 2002, respondent pleaded guilty to charges of larceny in the sixth degree (C.G.S. §53a-125b) and two counts of reckless endangerment in the first degree (C.G.S. §53a-63) arising from the conduct alleged in paragraph 3 and 4 of the Charges.

7. In paragraph 9 of the Charges, the Department alleges that the commission of a crime in the course of caring for a person and/or in the application of one's licensed professional skills is a violation of the standards of paramedic practice.

### ***Findings of Fact***

1. Respondent of Bristol, Connecticut was at all times referenced in the Charges, the holder of Connecticut paramedic license number 001371.
2. Prior to February 16, 2002, respondent was employed as a paramedic by AMR. Tr. p. 8.
3. Sometime during his employment as a paramedic, respondent stole medical supplies from AMR, including but not limited to syringes, caps, needle covers, rubber tourniquets, injectable dextrose, injectable sodium chloride, alcohol prep wipes, injectable Benadryl and intravenous set up equipment. Dept. Exh. 1, pp. 5, 6.
4. At various times prior to February 16, 2002, while respondent was not acting in his official capacity as a paramedic, he gave injections of Benadryl and/or dextrose to S.B. and/or permitted S.B. and others to use the stolen medications and equipment to inject themselves. Dept. Exh. 2.
5. At various times prior to February 16, 2002, respondent diagnosed and determined S.B.'s need for medication without a doctor's order and without physician control. Dept. Exh. 2.
6. On or about March 4, 2002, respondent pleaded guilty to charges of a larceny in the sixth degree (C.G.S. §53a-125b) and two counts of reckless endangerment in the first degree (C.G.S. §53a-63) arising from the conduct alleged in paragraph 3 and 4 of the Charges. Tr. p. 10; Dept. Exh. 1, p. 7; Dept. Exh. 4.

### ***Discussion and Conclusions of Law***

Section 19a-180(b) of the Statutes authorizes the Department to revoke a person's paramedic license if such person "does not maintain standards or violates regulations" adopted by the Department. Section 19a-179-9 of the Regulations states that no person engaged in the provision of emergency medical services shall commit an act which is detrimental to the safety, health, or welfare of a patient or the general public."

Section 19a-179-12 states in pertinent part, that:

Section 19a-179-12 authorizes, among other things, paramedics to administer intravenous solutions and medications as indicated by a set protocol.

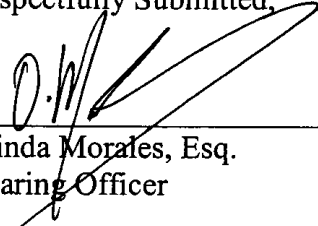
The Department met its burden of proof with regard to all of the allegations contained in both Counts. A preponderance of the evidence establishes that prior to February 17, 2002, respondent was employed by AMR as a paramedic. Sometime during his employment as a paramedic, respondent stole medical supplies from AMR, including but not limited to syringes, caps, needle covers, rubber tourniquets, injectable dextrose, injectable sodium chloride, alcohol prep wipes, injectable Benadryl and intravenous set up equipment. While respondent was off-duty, he injected S.B. with Benadryl and/or dextrose and/or permitted S.B. and others to use the stolen medications and equipment to inject themselves.

As a result of the above conduct, on or about March 4, 2002, respondent pleaded guilty to committing larceny in the sixth degree (C.G.S. §53a-125b) and two counts of reckless endangerment in the first degree (C.G.S. §53a-63) arising from the conduct alleged in paragraph 3 and 4 of the Charges. Accordingly, there is sufficient basis upon which to issue the following Order.

***Order***

Based on the record in this case, the above findings of fact and conclusions of law, I respectfully recommend that the paramedic license of Matthew Stachkunas be revoked.

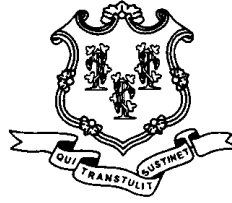
Respectfully Submitted,

  
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Olinda Morales, Esq.  
Hearing Officer

Date 12/28/04

# STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC HEALTH



J. Robert Galvin, M.D., M.P.H.  
Commissioner

M. Jodi Rell  
Governor

Matthew Stachkunas  
55 Prospect Street, Unit 3  
Bristol CT 06010

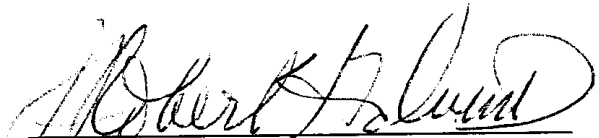
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**IN RE: Matthew Stachkunas, Paramedic      Petition No. 2002-0305-072-001**

### FINAL MEMORANDUM OF DECISION

In accordance with Connecticut General Statutes Section 4-180, the attached Proposed Memorandum of Decision issued December 28, 2004, by Hearing Officer Olinda Morales, is hereby adopted as the final decision of the Commissioner of the Department of Public Health in this matter. A copy of the Proposed Memorandum of Decision is attached hereto and incorporated herein.

JANUARY 18, 2005  
Date

  
J. Robert Galvin, M.D., M.P.H.  
Commissioner

c: Richard J. Lynch, Assistant Attorney General  
Wendy H. Furniss, Bureau Chief, Healthcare Systems  
Leonard Guercia, Director, Office of Emergency Medical Services  
Stanley K. Peck, Director, Legal Office  
Jennifer Filippone, Public Health Services Manager, OPLC



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